

**Africa, Global Human Rights and International Relations
Subcommittee**

Human Rights in Vietnam

**Prepared Statement of Christopher H. Smith, Chairman
June 20, 2005**

The Committee will come to order. Today we are meeting to examine the government of Vietnam's respect for human rights and religious freedom.

But let me say at the outset that I remain deeply concerned about obtaining a full, thorough and responsible accounting of the remaining American MIAs from the Vietnam conflict. As my colleagues know well, of the 2, 583 POW/MIAs who were unaccounted for – Vietnam (1,921), Laos (569), Cambodia (83) and China (10) -- just under 1,400 remain unaccounted for in Vietnam. While the joint POW/MIA accounting command normally conducts four joint field activities per year in Vietnam, I remain deeply concerned that the government of Vietnam could be more forthcoming and transparent in providing the fullest accounting. It is our sacred duty to the families of the missing that we never forget and never cease our pursuit until we achieve the fullest possible accounting of our MIAs.

This hearing takes place in the context of an official visit this week to Washington by Vietnamese Prime Minister Phan Van Khai. Designed to mark 10 years of diplomatic relations between the United States and Vietnam, the visit is the highest-level since the end of the Vietnam War. Khai will meet with President Bush and Secretary of Defense Rumsfeld, conclude intelligence agreements on terrorism and transnational crime, as well as begin IMET military cooperation, meet with Microsoft chairman Bill Gates, and ring the bell on the floor of the New York Stock Exchange.

Vietnam hopes to gain U.S. support to join the World Trade Organization this year. Trade with the United States has exploded in the past decade, from \$1.5 billion to \$6.4 billion in 2004. Vietnamese exports to the United States have also jumped from \$800 million in 2001 to \$5 billion last year.

An outside observer looking at all of this activity would in all likelihood conclude that Vietnam is a close business and political partner of the United States in Asia. And that observer, if asked, would also likely deduce that in order to cooperate so closely, Vietnam must also share the core values of the United States that make our country great. Values such as the promotion of democracy, respect for human rights, and the protection of religious freedom, free speech, and the rights of minorities.

A quick look at the State Department's annual Human Rights report on Vietnam, however, reveals the opposite. According to the 2004 report released just three months ago,

"Vietnam is a one-party state, ruled and controlled by the Communist Party of Vietnam (CPV)... The Government's human rights record remained poor, and it continued to commit serious abuses. The Government continued to deny citizens the right to change their government. Several sources reported that security forces shot, detained, beat, and were responsible for the disappearances of persons during the year. Police also reportedly sometimes beat suspects during arrests, detention, and interrogation.... The Government continued to hold political and religious prisoners.... The Government significantly restricted freedom of speech, freedom of the press, freedom of assembly, and freedom of association.... Security forces continued to enforce restrictions on public gatherings and travel in some parts of the country, particularly in the Central Highlands and the Northwest Highlands. The Government prohibited independent political, labor, and social organizations.... The Government restricted freedom of religion and prohibited the operation of unregistered religious organizations. Participants in unregistered organizations faced harassment as well as possible detention and imprisonment. The Government imposed limits on freedom of movement of some individuals whom it deemed a threat. The Government did not permit human rights organizations to form or operate."

Moreover, in September 2004, the State Department designated Vietnam as a "Country of Particular Concern" or "CPC" for its systematic, ongoing, egregious violations of religious freedom.

Congress has also expressed its grave concern about the state of human rights in Vietnam. The House of Representatives has twice passed legislation authored by me on human rights in Vietnam. HR 1587, The Vietnam Human Rights Act of 2004, passed the House by a 323-45 vote in July of 2004. A similar measure passed by a 410-1 landslide in the House in 2001. The measures called for limiting further increases of non-humanitarian U.S. aid from being provided to Vietnam if certain human rights provisions were not met, and authorized funding to overcome the jamming of Radio Free Asia and funding to support non-governmental organizations which promote human rights and democratic change in Vietnam. Regrettably, both bills stalled in Senate committees and have not been enacted into law.

I regret that no one from the State Department was available today to explain the incongruity of United States support for the government of Vietnam, as expressed in our close and growing-ever-closer trade and military relations, and U.S. concern for the appalling lack of respect for the basic human rights of its citizens that the Vietnamese government has consistently demonstrated.

The Human Rights Reports, the Report on International Religious Freedom, the Trafficking in Persons Report, the reports of leading international human rights organizations, and countless witnesses, some of whose testimonies you will hear today,

all testify that the government of Vietnam has inflicted and continues to inflict terrible suffering on countless people.

It is a regime that arrests and imprisons writers, scientists, academics, religious leaders and even veteran communists in their own homes, and lately in Internet cafes, for speaking out for freedom and against corruption. In fact, this statement I am giving today would easily fetch me a 15-year prison sentence replete with torture if I were a Vietnamese national or Member of Parliament making these comments in Vietnam.

It is a government that crushes thousands of Montagnard protestors, as they did in the Central Highlands during Easter weekend in 2004, killing and beating many peaceful protestors.

The government has forcibly closed over 400 Christian churches in the Central Highlands, and the government continues to force tens of thousands of Christians to renounce their faith. I would note here that it is inspiring but not unexpected that many of these Christians have steadfastly resisted those pressures and refused to renounce Christ. One pastor estimated that 90 percent have refused to renounce their Christian faith, despite government efforts to compel them to do so.

This is a government that has detained the leadership of the Unified Buddhist Church of Vietnam and continues to attempt to control the leadership of the Catholic Church.

This is a government that imprisoned a Catholic priest by the name of Father Ly and meted out a 10-year prison sentence. Father Ly was imprisoned in 2001 when he was arrested after submitting testimony to a hearing of the United States Commission on International Religious Freedom. In his testimony, he criticized the communist government of Vietnam for its policies of repressing religious freedom. In fact, I was the author of H Con Res 378, which called for the immediate release of Father Ly and cleared Congress 424-1 on May 12, 2004.

Thankfully Father Ly, along with Dr. Nguyen Dan Que, were released from prison earlier this year, in all likelihood due to the pressure from the United States with its CPC designation.

Their release was part of a process called for in the 1998 International Religious Freedom Act, which I co-sponsored, which mandates that the U.S. government engage in dialogue with severe violators of religious freedom to improve conditions or face "Presidential actions," which could include sanctions or withdrawal of non-humanitarian assistance.

The Vietnamese government also took some other positive steps in response to the CPC designation, including a new law streamlining the application process for religious groups registering with the government and prime ministerial directives which prohibit forced renunciations of faith and allow Protestant "house churches" in ethnic minority provinces to operate if they renounce connections to certain expatriate groups, particularly the Montagnard Foundation, which is based in the United States.

And in May, the State Department announced it had reached an agreement on religious freedom with Vietnam. Under the agreement, the Vietnamese government committed to:

- C fully implement the new legislation on religious freedom and to render previous contradictory regulations obsolete;
- C instruct local authorities to strictly and completely adhere to the new legislation and ensure their compliance;
- C facilitate the process by which religious congregations are able to open houses of worship; and,
- C give special consideration to prisoners and cases of concern raised by the United States during the granting of prisoner amnesties.

Time will tell whether the government will respect this agreement and comply with its provisions, or whether there will be a return to business as usual once the spotlight is removed. But the agreement does show that the provisions of the International Religious Freedom Act seem to be helping to improve the respect for religious freedom in some of the worst violator countries.

The more important point is that religious freedom is not a matter of compliance with an agreement, but an attitude of respect for citizens who choose to worship and peacefully practice their religious beliefs that extends from the highest government leaders down to local authorities and the village police.

In a recent interview given prior to his visit to the United States, Prime Minister Khai stated, “we have no prisoners of conscience in Vietnam,” and declared that “political reforms and economic reforms should be closely harmonized.”

His statement is typical of the attitude of the government of Vietnam, which has scoffed at the Vietnam Human Rights Act and dismissed charges of human rights abuses, pleading the tired mantra of interference in the internal affairs of their government and that our struggle is some way related to the war in Vietnam. They say, Vietnam is a country, not a war. That is their protest, and I would say that is precisely the issue.

Today's hearing is about the shameful human rights record of a country, more accurately, of a government, and it is not about the war. And, of course, Vietnam is a country with millions of wonderful people who yearn to breathe free and to enjoy the blessings of liberty. We say, behave like an honorable government, stop bringing dishonor and shame to your government by abusing your own people and start abiding by internationally recognized U.N. covenants that you have signed.

When is enough, enough? Vietnam needs to come out of the dark ages of repression, brutality and abuse and embrace freedom, the rule of law, and respect for fundamental human rights. Vietnam needs to act like the strategic partner of the United States we would like it to be, treating its citizens, even those who disagree with government policies, with respect and dignity.

Human rights are central, are at the core of our relationship with governments and the people they purport to represent. The United States of America will not turn a blind eye to the oppression of a people, any people in any region of the world. I welcome our witnesses and the valuable eyewitness testimony they bring today, so that the world will get a true and complete picture of this government with whom we are growing ever closer.